

48A C.J.S. Judges § 238

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

IX. Disqualification to Act

B. Waiver of Disqualification

1. In General

§ 238. Effect of waiver

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  52, 53

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A party agreeing to the waiver of the right to have a judge disqualified cannot thereafter be heard to insist on the disqualification.¹ Moreover, where a party requests the appointment of a state court judge upon the illness of a senior superior court judge and the disqualification of the junior superior court judge, the party cannot at a later time complain of such appointment which the party procured.² On the other hand, the waiver of the right to have a judge disqualified by a party is not binding upon nonparties to the proceedings.³

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Footnotes

- 1 U.S.—U.S. v. Conforte, 457 F. Supp. 641 (D. Nev. 1978), judgment aff'd, 624 F.2d 869 (9th Cir. 1980).
- 2 Ga.—Fielding v. Fielding, 236 Ga. 114, 223 S.E.2d 85 (1976).
- 3 Ga.—Byrd v. Riggs, 211 Ga. 493, 86 S.E.2d 285 (1955).

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